

Application No. 10/059,092
Reply to Final Office Action dated 4/5/2005

D. REMARKS

Interview Summary

First, Applicants contacted Examiner Zhou on June 1, 2005 with a request for an interview to discuss the proposed amendment to incorporate allowable claim 5 into claim 1. Examiner Zhou informed Applicants' representative that in a review of an amendment after final claims 17-23 would be rejected under 35 USC 101 for failure to teach a tangible medium. Applicants submitted a proposed amendment to claim 1 that would incorporate allowable claim 5 and a proposed amendment to claim 17 that would incorporate the word "tangible" in the preamble to the claim to overcome the rejection under 35 USC 101. On June 6, 2005, Examiner Zhou contacted Applicants' representative and stated that the Examiner had evaluated claim 5 as dependent upon claim 3 in the rejection and that on further review, since claim 5 is not dependent upon claim 3, the Examiner was not certain whether claim 1 would be allowable if amended to only incorporate claim 5. The Examiner also stated that the amendment to claim 17 to overcome the rejection under 35 USC 101 would not be considered new matter in an amendment after final.

Second, Applicants submitted a proposed amendment to claim 1 that would incorporate claim 7 on June 8, 2005. Examiner Zhou responded to the proposed amendment in a voice message which indicated that claim 1 would be allowed in an amendment after final if amended to incorporate claim 7 as proposed. Applicants submit this response with claim 1 amended to incorporate claim 7 in the same manner as amended in the proposed amendment submitted on June 8, 2005.

Status of the Claims

Claims 1-6, 8-14, 16-21 and 23 remain in the application. Claims 1, 9, and 17 are amended to incorporate claims 7, 15, and 22, respectively, and to overcome the rejection under 35 USC 112. Additionally, claim 17 is amended to overcome the telephone based rejection under 35 USC 101. Claims 7, 15, and 22 are cancelled.

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Claim Allowance

The Examiner objects to claims 3-5, 7, 11-13, 15, 19-20, and 22 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims in the Office Action dated April 4, 2005. [Final Office Action, p. 2] Applicants amend independent claims 1, 9, and 17 to incorporate the allowable elements of dependent claims 7, 15 and 22. Applicants respectfully request that the Examiner issue a timely notice of allowance for independent claims 1, 9, and 17 and for dependent claims 2-6, 8, 10-14, 16, 18-21 and 23 of allowable independent claims 1, 9, and 17.

35 USC 112

The Examiner rejects claims 1-23 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. [Final Office Action, p. 4] In particular, the Examiner cites that the limitation of "wherein said location is independent of another location of at least one displayable object within said user interface", on lines 6-8, 8-9, and 8-9 of claims 1, 9, and 17, respectively, is not positively recited in the specification of the application. [Final Office Action, p. 4]

Regardless of whether the Examiner's assertion is correct as to the lack of positive recitation, in each of claims 1, 9, and 17, Applicants delete the limitation of "wherein said location is independent of another location of at least one displayable object within said user interface". Since the basis for the rejection under 35 USC 112, first paragraph, is deleted, Applicants respectfully request that the Examiner issue a timely notice of allowance for independent claims 1, 9, and 17 and the corresponding dependent claims 2-6, 8, 10-14, 16, 18-21, and 23.

35 USC § 102(b)

Claims 1-2, 6, 8-10, 14, 16-18, 21, and 23 stand rejected under 35 U.S.C. §102(b) as being anticipated by Frank et al (US Patent 5,651,107). [Final Office Action, p. 5] Applicants amend independent claims 1, 9, and 17 to incorporate allowable subject matter and therefore Docket # AUS920010515US1

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request that a timely notice of allowance be issued in the case for the allowable subject matter. Additionally, claims 2, 6, 8, 10, 14, 16, 18, 21, and 23 are dependent claims of independent claims 1, 9, and 17, amended to be allowable, and therefore Applicants request allowance of these dependent claims of allowable independent claims.

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Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

 on 6/16/2005

Amy J. Pattillo
Attorney for Applicants
Reg. No 46,983
P.O. Box 161327
Austin, Tx 78716
512.402.9820 vox
512.306.0417 fax

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